

Assembly Bill 243 (Pedro Nava)

Animal Abuse Prevention Act of 2009

Reason AB 243 is Necessary

Currently, California law states that as a condition of probation, a court may order that a person convicted of certain animal related crimes and placed on probation be prohibited from owning, possessing, or having contact with animals. However, a court has no ability to issue a “no ownership” order for defendants convicted of felony animal cruelty offenses who are sentenced to state prison.

Existing Law

According to **California Penal Code Section 597(a)**, every person who maliciously and intentionally maims, mutilates, tortures, or wounds a living animal, or maliciously and intentionally kills an animal, is guilty of a wobbler (an alternate felony/misdemeanor) punishable by imprisonment in the state prison, or by imprisonment in a county jail for not more than one year, or by a fine of not more than \$20,000, or by both the fine and imprisonment.

California Penal Code Section 597(s) states that every person who willfully abandons any animal is guilty of a misdemeanor.

Per **California Penal Code Section 597.1**, every person who owns, possesses, or keeps an animal and fails to provide proper care and attention for the animal is guilty of a misdemeanor.

According to **California Penal Code Section 597.1(k)**, a court may order, as a condition of probation, that a person convicted of animal cruelty be prohibited from owning, possessing, caring for, or having any contact with, animals of any kind and require the convicted person to immediately deliver all animals in their possession to a designated public entity for adoption or other lawful disposition.

This Bill

AB 243 (Nava) will:

- Make it mandatory for a judge to prohibit a person convicted of specified animal-related crimes from owning or possessing, caring for, or having any contact with animals for a minimum period of time.
- Give a prosecutor the option of either asking that a defendant’s probation be violated or filing a separate misdemeanor criminal charge for defendants who violate their “no ownership” order.

Facts

- Currently seven jurisdictions have laws that make it mandatory for a court to prohibit ownership of animals following a conviction for an animal-related offense.¹ These laws vary in the length of time a convicted person cannot own an animal; most have a floor of 5 years and a ceiling of 15 years, although one law allows a court to prohibit ownership of an animal “up to the lifetime of the offender.”²

¹ Delaware, Kansas, Nebraska, Oregon, Washington, West Virginia, U.S. Virgin Islands.

² U.S. Virgin Islands

Facts (continued)

- There is an uncontroverted link between animal abuse and domestic violence, elder abuse, and child abuse, with animals often used as a tool to intimidate, silence, or extract compliance from the abuser's victims.
- Animal hoarding is recognized by the Diagnostic and Statistical Manual of Mental Disorders (DSM IV) as a form of mental illness exhibited by an addictive/compulsive personality.
- The recidivism rate of animal cruelty and neglect crimes committed by animal "collectors" or "hoarders" is, according to most studies, virtually 100%.³ In a typical animal collecting or hoarding case, a person is discovered living in squalid conditions with dozens to hundreds of animals, both dead and/or alive in poor condition.⁴

Comments

- Those who have neglected animals have demonstrated that they cannot be trusted to provide animals in their care with the basics required by law. In the case of overt cruelty, defendants convicted of purposely harming an animal have demonstrated that they are capable of violence toward an animal and, in the case of animal fighting, those convicted of participating in dog or cockfighting have demonstrated a lack of regard for an animal's welfare and a lack of concern for the suffering that is associated with animal "blood sports."

³ Dr. Gary Patroneck, V.M.D., Ph.D., *Long-Term Outcomes in Animal Hoarding Cases*, <http://www.tufts.edu/vet/cfa/hoarding/pubs/berry.pdf> (2005)

⁴ Dr. Gary Patronek, V.M.D., Ph.D., *The Problem of Animal Hoarding*, Municipal Lawyer (May/June 2001) p.6-9 19.

- As with laws that prevent sex offenders from having contact with underage children, a law prohibiting abusers from contact with animals will separate offenders from potential new victims.

Assemblymember Pedro Nava, through AB 243, hopes that by requiring courts to impose a "no ownership" order there will be a dramatic reduction or elimination of repeated acts of animal cruelty and neglect in California.

Support

Los Angeles County District Attorney's Office (sponsor)

Opposition

N/A

Votes

N/A

For More Information

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